

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-24 are currently pending.

Initially, Applicant notes that formal drawings including changes previously approved by the Examiner were submitted on July 7, 2004. Acknowledgement of receipt of these drawings is requested.

In response to the Request for Reconsideration filed on June 21, 2004, Applicant notes that the Examiner withdrew the ground of rejection associated with the combination of Juen with Niikura, but maintained the grounds of rejection associated with the combination of Juen with Suh. Accordingly, Applicant presents herein some clarifying remarks with respect to the earlier-filed Request for Reconsideration's treatment of this latter ground of rejection.

Claims 1, 4-14, 17, 19-21 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Published Patent Application 2002/0024602 to Juen in view of U.S. Patent No. 5,712,581 to Suh. Prior to discussing this ground of rejection in detail, a brief summary of methods and apparatuses for concurrently acquiring, processing and transmitting digital video and still images according to exemplary embodiments of the present invention is provided below to highlight some of the advantageous characteristics thereof.

According to exemplary embodiments of the present invention, a dual pipeline architecture provides for concurrent processing of (1) video frames and (2) still images. The dual pipeline architecture may include a video pipeline optimized for digital video and a still image pipeline optimized for high resolution digital still images. When a still image is desired, the video frames can be temporarily buffered while the still image is being acquired.

As a result, high resolution still image photographs maybe acquired without any interference with the video recording or any impact on the quality of the video or the still image photographs.

In the Office Action, reference is made to Figure 5 of the Juen patent application. The electronic camera illustrated therein, by way of contrast, is based upon an architecture wherein a still image is buffered while video frames are processed. See, for example, paragraph [0051] of Juen wherein it is stated that:

“..the buffer means 5 ..temporarily stores the image information from the imaging means 1 upon receipt of the command for recording still images when the command for recording is given ...[t]he image compression means 7 waits for completion of recording by the moving image recording means 3 and compresses the image information stored in the buffer means 5.”

Thus, unlike exemplary embodiments of the present invention, the cited portion of Juen temporarily stores still image data while processing video image data as opposed to temporarily storing video image data while processing still image data.

This difference between Juen and the claimed combination is recognized in the Official Action and is the reason for the citation to Suh. The Official Action articulates a two step chain of reasoning (page 4, first paragraph) in arriving at this conclusion. First, it indicates that it would have been obvious to have “added a buffer to Juen’s invention in order to enable processing of image data such as DCT”. Second, it indicates that once such a buffer was added that “there would be a buffer for temporarily storing video frames when one or more still image is acquired during video frame acquisition.” Applicant respectfully disagrees that one of ordinary skill in the art would have been motivated to make each of these modifications, either individually or together.

In the previous response, it was explained that the first step articulated in the Official Action, i.e., adding a second buffer to Juen based on Suh, would not have been obvious to one of ordinary skill in the art absent hindsight reference to Applicant's specification. Although this argument is still considered to be valid, this Request for Reconsideration instead focuses on the second ground of argument, i.e., that even if one combines Juen and Suh there is no teaching or suggestion of arriving at Applicant's claimed combinations.

**The Hypothetical Combination of Juen and Suh Would Not Have Suggested Temporarily Storing Video Frames "When" One or More Still Images Are Acquired**

In the Final Official Action it is stated that "[s]ince the combination of Juen and Suh teaches to always temporarily buffer the moving image data so as to enable compression processing the moving image frames are temporarily buffered when one or more still images are acquired during moving image capturing." Applicant respectfully submits that, even assuming (strictly *arguendo*) that the addition of another buffer to Juen would have been suggested by the combination of Juen and Suh such that buffering of video frames "always" occurred, that such a combination would not have rendered Applicant's claimed combinations unpatentable.

In this regard, it is respectfully submitted that such an interpretation of Applicant's claimed combinations essentially ignores the claimed phrase "when one or more high resolution still images are acquired during the video frame acquisition". As is clear from reading Applicant's specification, buffering of video frames occurs in response to (when) the acquisition of a still image occurs during video frame acquisition. The hypothetical combination of Juen and Suh proposed in the Official Action to result in "always" buffering

moving image data does not teach or suggest at least this feature of Applicant's claimed combinations.

Similar comments apply to, for example, dependent claims 7 and 13. These claims recite, among other things, "emptying the frame buffer by the processors after the high resolution still images are processed, transmitted or stored" (emphasis added). It is respectfully submitted that the combination of Juen and Suh described above also fails to teach or suggest these claimed combinations.

Accordingly reconsideration and withdrawal of the rejection of claims 1, 4-14, 17, 19-21 and 24 under §103 over Juen in view of Suh are respectfully requested.

Claims 2, 3, 15 and 16 stand rejected under 35 U.S.C. §103 over Juen in view of Suh and further in view of Rashkovskiy et al. (U.S. Patent Number 6,181,476). It is respectfully submitted that these dependent claims are allowable for at least the reasons set forth above with respect to the independent claims from which they depend because Rashkovskiy fails to remedy the noted deficiencies of Juen in view of Suh.

Claims 18, 22 and 23 stand rejected under 35 U.S.C. §103 over Juen in view of Suh and further in view of Okuley (U.S. Patent Publication Number 2003/0112348). It is respectfully submitted that these dependent claims are allowable for at least the reasons set forth above with respect to the independent claims from which they depend because Okuley fails to remedy the noted deficiencies of Juen in view of Suh.

All of the objections and rejections raised in the Official Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and a notice to that effect is earnestly solicited. If the Examiner has any questions regarding the foregoing, he is invited to contact the undersigned at (540)-361-1863 to expedite prosecution of this application.

Respectfully submitted,

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